

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/835,871	VANGE, MARK
	Examiner Nabil M. El-Hady	Art Unit 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7/18/2005.
2.  The allowed claim(s) is/are 2, 3, 6-10, 12-18, 21-24, 26, 27, 29, and 31, now as 1-22.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 10/11/2005.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stuart T. Langley, Reg. No. 33,940 on October 5, 2005.

2. The application has been amended as follows:

In the claims:

I. In claim 2:

- a) line 4, after "users;" insert –and --;
- b) line 9, replace ":" with -- ; and

wherein the front-end server selectively supplies the data to TCP channels supported by the interface at a rate and order that effectively prioritizes some channels over other channels. –

II. In claim 3:

- a) line 1, replace "claim 1" with -- claim 2 --.

III. Cancel claim 4.

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IV. Cancel claim 5.

V. In claim 6:

a) line 1, replace “claim 4” with – claim 2 --.

VI. In claim 7:

a) line 1, replace “claim 1” with – claim 2 --.

VII. In claim 8:

a) line 1, replace “claim 1” with – claim 2 --.

VIII. In claim 9:

a) line 1, replace “claim 1” with – claim 2 --;

IX. In claim 10:

a) line 1, replace “claim 1” with – claim 2 --.

X. In claim 12:

a) line 4, replace “transmission” with – transmissions --;

b) line 5, replace “data transmission” with – of the plurality of data transmissions --;

c) line 6, replace “data in a plurality of sockets” with – the plurality of data transmissions in a plurality of created sockets --;

d) line 7, before “data” insert – plurality of --;

e) line 9, replace “.” with --;

wherein the act of creating a socket comprises creating a TCP socket for each client request; and

wherein the act of communicating in a prioritized fashion comprises selectively applying data to the TCP socket at a rate and order that effectively prioritizes some sockets over other sockets. –

XI. Cancel claim 19.

XII. Cancel claim 20.

XIII. In claim 21:

a) line 1, replace “claim 19” with – claim 12 --.

IXV. In claim 26:

a) line 10, delete “and”;

b) line 12, replace “.” with -- ; and

wherein the means to selectively apply modifies the rate/order at which data is applied from the data buffers to the interface by throttling bandwidth allocated to a first set of the data so as to explicitly gain more than a fair share of available bandwidth for a second set of the data. --

XV. In claim 27:

a) line 2, replace “couple” with – apply --.

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XVI. Cancel claim 28.

XVII. In claim 31:

- a) line 1, before "front-end" insert – A --;
- b) line 12, replace ":" with --; and

wherein the means to gain more than a fair share includes mechanisms operative to throttle bandwidth allocated to the second set of data transmissions so as to effectively prioritizes the first set of data transmissions --.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 11, 2005

  
Nabil El-Hady, Ph.D, M.B.A.  
Primary Patent Examiner  
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